



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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April 28, 2016

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TO: LORI GLASGOW  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO  
Senior Assistant County Counsel  
Executive Office

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Craig and Wendy Humphries v. Los Angeles County, et al.**  
**United States District Court Case No. CV 03-0697**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Craig and Wendy Humphries, v. Los Angeles County, et al., United States District Court Case No. CV 03-0697 in the amount of \$2,400,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges that the Sheriff's Department violated Plaintiffs' civil rights by detaining their children without a warrant, and placing Plaintiffs' names in the California's Child Abuse Central Index database.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CASE NAME                   | Craig and Wendy Humphries v. Los Angeles County, et al.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| CASE NUMBER                 | SACV 03-0697 JVS (MANx)                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| COURT                       | United States District Court                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DATE FILED                  | August 27, 2002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| COUNTY DEPARTMENT           | Sheriff's Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| PROPOSED SETTLEMENT AMOUNT  | \$ 2,400,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| ATTORNEY FOR PLAINTIFF      | Esther Boynton, Esq. and<br>Michael R. Marriman, Esq.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| COUNTY COUNSEL ATTORNEY     | Diane C. Reagan<br>Principal Deputy County Counsel                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| NATURE OF CASE              | <p>Plaintiffs alleged they suffered physical and mental anguish and shame based on the warrantless removal of their children after they were arrested and listed on the Child Abuse Central Index for approximately 11 years. Defendants deny the allegations.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$2,400,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 934,996                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| PAID COSTS, TO DATE         | \$ 75,309                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of incident/event: | Monday, April 16, 2001                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                         | <p><b><u>Craig Humphries et al v. County of Los Angeles, et al.</u></b><br/>Summary Corrective Action Plan No. 2015-028.2</p> <p>On March 17, 2001, the plaintiffs' teenage daughter drove to Utah and reported to her biological mother that her biological father and stepmother had physically abused her for several months. The daughter was examined at the hospital during which the local police agency and Department of Children Services were notified. At the time, the teenage daughter and two minor siblings resided with the plaintiffs in Valencia, California.</p> <p>On March 26, 2001, the Los Angeles County Sheriff's Department's Special Victim's Bureau received the physical abuse allegation along with the daughter's medical examination records via the local police agency in Utah. After further investigation into the matter, the Los Angeles County Sheriff's Department obtained an arrest warrant for the plaintiffs.</p> <p>On April 16, 2001, the Los Angeles County Sheriff's Department arrested the plaintiffs on charges of torture and cruelty to a child and transported them to the Los Angeles County Sheriff's Department Santa Clarita Valley Station. While in custody, deputy sheriffs detained the plaintiffs' two minor children and placed them in foster care. Eight days later, the family was reunited after the plaintiffs were released from custody on bail following the filing of a misdemeanor charge.</p> <p>On April 17, 2001, the plaintiffs' information was entered into the State of California's Child Abuse Central Index (CACI) as required by California's Child Abuse Neglect and Reporting Act (CANRA) identifying them as "substantiated" child abusers. It was further requested the two minor children be declared dependent children of the juvenile court.</p> <p>On August 29, 2001, all charges against the plaintiffs were dismissed and both plaintiffs were found "factually innocent."</p> |

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

The **primary** root cause in this incident was the absence of a policy/procedure enabling individuals whose names have been entered into the California's Child Abuse Central Index database (CACI) as required by the California's Child Abuse Neglect and Reporting Act (CANRA) to petition for removal.

The **secondary** root cause in this incident is that members of the Los Angeles County Sheriff's Department removed the plaintiffs' two minor children from the plaintiffs' custody without a warrant and had the children placed in foster care.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

On January 1, 2012, amended sections of the California Penal Code (1165.12, 11169, and 11170) directed the Department of Justice (DOJ) to receive and enter into the Child Abuse Central Index (CACI) only substantiated reports of child abuse or severe neglect submitted by a **child welfare agency** or a **county probation department**. The DOJ was also directed to remove all inconclusive reports from the CACI and all names of suspects 100 years of age or older.

Furthermore, police and sheriff departments are no longer required to submit reports of known or suspected child abuse or severe neglect to the DOJ (Amended California Penal Codes: 1165.12, 11169, and 11170 under the Child Abuse and Neglect Reporting Act).

On April of 2007, the Los Angeles County Sheriff's Department's Special Victim's Bureau initiated Unit Order #23. It provided a process for individuals whose names have been entered into CACI to challenge or appeal their classification.

On September 1, 2015, the Los Angeles County Sheriff's Department's Special Victim's Bureau revised Unit Order #23. The Unit Order added the specific role of the DOJ as it pertains to the amended penal codes and that the Los Angeles County Sheriff's Department will no longer be involved in placing information into the index. (Los Angeles County Sheriff's Department's Special Victim's Bureau Unit Order #23).

Pursuant to California Welfare and Institutions Code section 305, Conditions Allowing Temporary Custody Without a Warrant, "Any peace officer may, without a warrant, take into temporary custody a minor...when the officer has reasonable cause for believing that the minor is a person described in Section 300..." (California and Welfare Institutions Codes 305).

Nonetheless, by November 30, the Los Angeles County Sheriff's Department's Risk Management Bureau will cause the re-publication and re-distribution of the following:

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-02/045.20 ***Assisting the Department of Children and Family Services in entering a Residence or Dwelling***, to remind all members when a request is made by the Department of Children and Family Services (DCFS) for assistance in entering a residence or dwelling to conduct a child welfare investigation, the request will be presented to the station watch commander for authorization (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-02/045.20, *Assisting the Department of Children and Family Services in Entering a Residence or Dwelling*).
- Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 1, *Warrants*, designed to remind all members of the risks associated with the warrantless seizure of children. Procurement of a warrant is required unless exigent circumstances exist (Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 1, *Warrants*).

- Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit Newsletter Volume 15, Number 3, *Warrants*, designed to remind all members of the risks associated with warrantless searches and seizures. Procurement of a warrant is required unless exigent circumstances exist (Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit Newsletter Volume 15, Number 3, *Warrants*).

3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected part

County of Los Angeles  
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain  
Risk Management Bureau

Signature:

*[Signature]* 155624

Date:

12-16-15

Name: (Department Head)

Karyn Mannis, Chief  
Professional Standards Division

Signature:

*[Signature]* Karyn Mannis

Date:

12-18-15



**Chief Executive Office Risk Management Inspector General USE ONLY**

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

*[Signature]* Steven E. Myblom for Dostiny Castro

Signature:

*[Signature]* S.E. Myblom

Date:

12-22-15